IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 78 OF 2000

Sau. Daksha Alias Manisha
Vijay Dhondge ..Petitioner
(Org. Complainant)

Vs.

1. Vijay Parshuram Dhondge and ors. ..Respondents

Mr. Quadvat with Mrs. Anita Y. Patil for petitioner.
Mr. Ganesh Gole for respondent no.1.
Mrs.Shilpa Joshi for respondent nos.2 to 4.
Mr.Y.S. Shinde, APP for respondent no.5-State.

CORAM: B.H. MARLAPALLE, J.

Date : January 23, 2007.

P.C.:

1. This revision application filed under Section 401 of Cr.P.C. challenges the order of acquittal passed by the learned JMFC, Nashik on 3/1/2000. In fact, similar challenge could have been raised by filing a revision application under Section 399 of Cr.P.C. before the concerned Sessions Court. The revision has been waiting for admission for the last seven years.

2. On the basis of the complaint filed by the applicant Smt. Daksha @ Manisha Vijay Dhondge, her husband and in-laws were tried for the offences punishable under Section 498-A read with Section 34 of IPC. She was married to Vijay - accused no.1 on 2/5/1995 and she resided for about two months with her husband happily. However, she alleged that thereafter her husband and in-laws started ill-treating her. Admittedly all the accused are doctors by profession and it is alleged that they started demanding money from the parents of the complainant for acquiring medical equipments. The complainant examined herself as PW 1 and her father was examined as PW 4. In her depositions, she had claimed that accused no.4 used to tell her that accused no.1 was in regular extra marital relationship with other girl and that she was forced to undergo an abortion. She also alleged that accused no.2 used to tell her that if she is from respectable family, she should consume poison and should die. The learned Judge of the trial court noted that she did not give the name of the doctor under whose treatment she was aborted. P.W.4 stated in the witness box that accused nos.1 to 3 demanded

Rs.3 lacs to construct the hospital at the village but admitted that at least Rs.25 to 30 lacs would be required to construct a four bed hospital. There was no corroborative evidence on these allegations and PW 5, the I.O., also admitted that these statements were not supported by any other witnesses. The learned Magistrate, therefore, recorded his finding that the prosecution failed to prove beyond doubt the allegations set out in the complaint dated 29/1/1998 and, therefore, the case resulted into acquittal.

3. Having regards to the evidence considered by the learned Judge of the trial court, there is no reason to hold that the order of acquittal suffers from any errors apparent on the face of the record or the reasoning set out in support of the said order is perverse.

4. Hence, this criminal revision application fails and the same is hereby rejected.

(B.H. Marlapalle,J.)